

# DEFENSIVE DRIVING BOARD

## Meeting Agenda - Thursday, October 17, 2019

Arizona Supreme Court -1501 West Washington Street

Phoenix, Arizona 85007 –10:00 AM– Conference Room 109

General Inquiries Call: (602) 452-3378 (Certification and Licensing Division Line)

Members of the Public May Attend Meeting in Person

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**For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration, Code Section 1-202(C).**

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**CALL TO ORDER.....Honorable Maria Brewer, Chair**

**1) REVIEW AND APPROVAL OF MINUTES .....Honorable Maria Brewer, Chair**

1-A: Review, discussion and possible action regarding the regular session minutes for the meeting of August 22, 2019.

1-B: Review, discussion and possible action regarding the executive session minutes for the meeting of August 22, 2019.

**2) PENDING COMPLAINTS.....Division Staff**

2-A: Review, discussion and possible action regarding complaint number 18-D055 concerning certificate holder Cheap Fast Easy Dismiss Ticket AZ Driver.

2-B: Review, discussion and possible action regarding complaint number 18-D034 concerning certificate holder DriversEd.com.

2-C: Review, discussion and possible action regarding complaint number 18-D035 concerning certificate holder I Drive Safely.

2-D: Review, discussion and possible action regarding complaint number 18-D047 concerning certificate holder An Online Traffic School by The Improv Comedy Club.

2-E: Review, discussion and possible action regarding complaint number 18-D049 concerning certificate holder Low Cost Defensive Driving.

2-F: Review, discussion and possible action regarding complaint number 18-D050 concerning certificate holder OnlineArizonaDefensiveDriving.com.

2-G: *Review, discussion and possible action regarding complaint number 18-D051 concerning certificate holder TrafficeSchoolOnline.com.*

2-H: *Update regarding the status of pending complaints.*

**3) INITIAL CERTIFICATION AND ELIGIBILITY.....Division Staff**

3-A: *Review, discussion and possible action regarding pending application for initial defensive driving instructor certification for the following applicants:*

1. Jennifer Nash
2. Donna Youdelman
3. Sharon Mendenhall

3-B: *Review, discussion and possible action regarding pending applications for initial certification for West Valley PHX Defensive Driving School.*

**4) CERTIFICATION AND ELIGIBILITY .....Division Staff**

4-A: *Review, discussion and possible action regarding request for school name change for defensive driving school West Valley PHX Defensive Driving School.*

**5) ADMINISTRATIVE ISSUES .....Division Staff**

5-A: *Review and discussion regarding correspondence from law firm, Fennemore Craig.*

5-B: *Review, discussion and possible action regarding meeting dates for 2020.*

**CALL TO THE PUBLIC .....Honorable Maria Brewer, Chair**

**ADJOURN .....Honorable Maria Brewer, Chair**

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday October 17, 2019**

### **1) REVIEW AND APPROVAL OF MINUTES**

*1-A: Review, discussion and possible action regarding the regular session minutes for the meeting of August 22, 2019.*

Regular session minutes of the August 22, 2019 meeting are presented for the Board's review and approval.

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday October 17, 2019**

### **1) REVIEW AND APPROVAL OF MINUTES**

*1-B: Review, discussion and possible action regarding the executive session minutes for the meeting of August 22, 2019.*

Executive session minutes of the August 22, 2019 meeting are presented for the Board's review and approval.

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday, October 17, 2019**

### **2) PENDING COMPLAINTS**

*2-A: Review, discussion and possible action regarding complaint number 18-D055 concerning certificate holder Cheap – Fast - Easy Dismiss Ticket AZ Driver.*

A student completed an on-line traffic school course from Cheap – Fast - Easy Dismiss Ticket AZ Driver (“CFEDTAD”) on or about September 21, 2018. CFEDTAD claims it mailed the student’s completion information and associated fees the same day to the White Tank Justice Court via check number 2063. While the Court received check number 2063, it was payment for a different student and about two months later this student’s license was suspended.

After the suspension and upon being contacted by the Court, CFEDTAD told the Court its records confirmed the student had in fact completed the course and claimed it mailed payment and completion documents on the day of the completion.

The Court called again in December and again stated it had no payment for the student. The Court did additional research and learned that CFEDTAD payment had in fact been issued for another of CFEDTAD’s students not the suspended student. CFEDTAD states once the Court made CFEDTAD aware of CFEDTAD’s error it immediately issued a new check for the student.

The Court confirmed that although the student’s license had briefly been suspended, no punitive action had been taken and the status was immediately changed once the Court spoke with CFEDTAD.

CFEDTAD asserts it has implemented safeguards to prevent further incidents.

#### **Recommendation:**

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Cheap – Fast - Easy Dismiss Ticket AZ Driver has committed the alleged act(s) of misconduct as detailed in the Investigative Summary and Allegation Analysis Report for complaint number 18-D055.

It is further recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to ACJA § 7-201(H)(6) for act(s) of misconduct involving ACJA § 7-205(F)(26)(f)(2) for failure to timely remit diversion fees and ACJA § 7-205(F)(26)(a) for failure to maintain a remitting and reporting system ensuring accurate transmission of diversion fees.

It is further recommended the Board issue a Letter of Concern.

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday, October 17, 2019**

### **2) PENDING COMPLAINTS**

*2-B: Review, discussion and possible action regarding complaint number 18-D034 concerning certificate holder DriversEd.com.*

On October 8, 2018, Pima County Consolidated Court notified the Division that DriversEd.com failed to timely submit payment for multiple students' completions in August and September 2017. In response to the complaint, DriversEd.com advised the Division that payment was made in a timely manner, but the Court did not cash the check. Upon notification by the Court of the lack of payment, DriversEd.com promptly issued second payment.

#### **Recommendation:**

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding DriversEd.com has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 18-D034.

It is further recommended the Board dismiss complaint number 18-D034 without prejudice.

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday, October 17, 2019**

### **2) PENDING COMPLAINTS**

*2-C: Review, discussion and possible action regarding complaint number 18-D035 concerning certificate holder I Drive Safely.*

On October 8, 2018, Pima County Consolidated Court notified the Division that I Drive Safely failed to timely submit payment for two students' completions one in May of 2016 and one in August of 2017.

In response to the complaint, I Drive Safely advised the Division that payment for one student was made in a timely manner, but the Court did not cash the check. As for the second student, a typographical error resulted in payment not being made. Upon notification by the Court of the lack of payment, I Drive Safely promptly issued payment.

#### **Recommendation:**

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding I Drive Safely has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 18-D035.

It is further recommended the Board dismiss complaint number 18-D035 without prejudice.

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday, October 17, 2019**

### **2) PENDING COMPLAINTS**

*2-D: Review, discussion and possible action regarding complaint number 18-D047 concerning certificate holder An Online Traffic School by The Improv Comedy Club.*

On October 8, 2018, Pima County Consolidated Court notified the Division that An Online Traffic School by Improv Comedy Club School 015 failed to timely submit payment for multiple students' completions in September 2015, November 2016 and September 2018.

In response to the complaint, An Online Traffic School by Improv Comedy Club School 015 advised the Division that the September 2015 payment issue was the result of the student registering for the wrong court and the correct court was paid in January of 2016; the November 2016 payment was made in a timely manner but the Court returned the check because one student's citation was dismissed and a new check was issued in January of 2017; and the September 2018 payment was made but returned because the Court reported one student was not in the Court's system and a new check was issued in October 2018.

#### **Recommendation:**

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter finding An Online Traffic School by Improv Comedy Club School 015 has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 18-D047.

It is further recommended the Board dismiss complaint number 18-D047 without prejudice.

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday, October 17, 2019**

### **2) PENDING COMPLAINTS**

*2-E: Review, discussion and possible action regarding complaint number 18-D049 concerning certificate holder Low Cost Defensive Driving.*

On October 8, 2018, Pima County Consolidated Court notified the Division that Low Cost Defensive Driving failed to timely submit payment for two students' completions in February 2016.

In response to the complaint, Low Cost Defensive Driving advised the Division that payment was made in a timely manner, but the Court did not cash the check. Upon notification by the Court of the lack of payment, Low Cost Defensive Driving promptly issued second payment.

#### **Recommendation:**

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter finding Low Cost Defensive Driving has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 18-D049.

It is further recommended the Board dismiss complaint number 18-D049 without prejudice.

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday, October 17, 2019**

### **2) PENDING COMPLAINTS**

*2-F: Review, discussion and possible action regarding complaint number 18-D050 concerning certificate holder OnlineArizonaDefensiveDriving.com.*

On October 8, 2018, Pima County Consolidated Court notified the Division that OnlineArizonaDefensiveDriving.com failed to timely submit payment for multiple students' completions in April and August 2018.

In response to the complaint, OnlineArizonaDefensiveDriving.com advised and provided evidence to the Division that payment was made in a timely manner for the April students, but the Court did not receive payment. The August student's payment was timely made, but the Court failed to timely enter information. Upon notification by the Court of the lack of payment, OnlineArizonaDefensiveDriving.com promptly issued second payment for the April students.

#### **Recommendation:**

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding OnlineArizonaDefensiveDriving.com has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 18-D050.

It is further recommended the Board dismiss complaint number 18-D050 without prejudice.

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday, October 17, 2019**

### **2) PENDING COMPLAINTS**

*2-G: Review, discussion and possible action regarding complaint number 18-D051 concerning certificate holder TrafficSchoolOnline.com.*

On October 8, 2018, Pima County Consolidated Court notified the Division that TrafficSchoolOnline.com failed to timely submit payment for multiple students' completions one in February 2018, one in June 2018 and one in August 2018.

In response to the complaint, TrafficSchoolOnline.com advised and provided evidence to the Division that payment was made in a timely manner for the February and June students, but the Court did not receive payment. For the August student payment was timely made, but the Court failed to timely enter information. Upon notification by the Court of the lack of payment, TrafficSchoolOnline.com promptly issued second payment for the February and June students.

#### **Recommendation:**

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter finding TrafficSchoolOnline.com has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 18-D051.

It is further recommended the Board dismiss complaint number 18-D051 without prejudice.

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday October 17, 2019**

### **2) PENDING COMPLAINTS**

*2-H: Update regarding the status of pending complaints.*

As of October 15, 2019, there are currently 64 open complaints, seven of which have been presented on this agenda with dispositive recommendations under agenda items 2A through 2G.

### **DEFENSIVE DRIVING COMPLAINTS COURTOOLS MEASURE 4 AGE OF PENDING CASELOAD**

**Shaded Areas Indicate Cases within Time Standard of 22 Months**

<b>Age (Months)</b>	<b>Number Cases</b>	<b>Percent</b>	<b>Cumulative Percent</b>
<b>0-4</b>	35	55%	55%
<b>5-9</b>	3	5%	60%
<b>10-14</b>	26	40%	100%
<b>15-19</b>	0	0%	0%
<b>20-22</b>	0	0%	0%
<b>23-35</b>	0	0%	0%
<b>36-50</b>			
<b>Over 50</b>			
<b>Total</b>	<b>64</b>	<b>100%</b>	<b>100%</b>

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday, October 17, 2019**

### **3) INITIAL CERTIFICATION AND ELIGIBILITY**

*3-A: Review, discussion and possible action regarding pending applications for initial defensive driving instructor certification for the following applicants:*

1. Jennifer Nash applied for initial defensive driving instructor certification. She successfully passed the program examination and has submitted a complete application demonstrating that she meets the minimum education and experience requirements.

The Division recommends approval of initial defensive driving instructor certification for Jennifer Nash.

2. Donna Youdelman applied for initial defensive driving instructor certification and has successfully passed the program examination. Ms. Youdelman disclosed involvement in a 1985 product liability lawsuit in which she was listed as the plaintiff and a 2018 traffic citation. During the background investigation it was further discovered that Ms. Youdleman was listed alongside her husband in two motor vehicle tort civil cases that were filed in 1993 and 2000. Ms. Youdelman and her husband are listed as plaintiffs in the 1993 case and defendants in the 2000 case. Ms. Youdleman stated that she had no recollection of being involved in either case.

The Division recommends approval of initial defensive driving instructor certification for Donna Youdelman.

3. Sharon Mendenhall applied for initial defensive driving instructor certification and has successfully passed the program examination. Ms. Mendenhall disclosed discipline that was imposed in the form of a 2016 Consent Agreement against her clinical social worker's license.

Ms. Mendenhall failed to disclose a dissolution of marriage. Ms. Mendenhall did disclose the former name in the application but answered "No" under involvement in civil matters. Ms. Mendenhall stated she failed to disclose it because she did not think of a dissolution of marriage as a civil case.

The Division recommends that initial defensive driver instructor certification be granted to Sharon Mendenhall with non-disclosure language.

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday, October 17, 2019**

### **3) INITIAL CERTIFICATION AND ELIGIBILITY**

*3-B: Review, discussion and possible action regarding pending applications for initial certification for West Valley PHX Defensive Driving School.*

West Valley PHX Defensive Driving School is currently certified as a classroom-based defensive driving school and applied for alternative delivery method (ADM) format for its currently certified business entity. The school is owned by Karen Rushing.

Division staff has performed a review of the school's application and ADM curriculum.

It is recommended that the current certification for West Valley PHX Defensive Driving School be amended to include the additional ADM modality.

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday, October 17, 2019**

### **4) CERTIFICATION AND ELIGIBILITY**

*4-A: Review, discussion and possible action regarding request for school name change for defensive driving school West Valley PHX Defensive Driving School.*

West Valley PHX Defensive Driving School, School 404, submitted a request to change the school's name on October 7, 2019.

The proposed name for the school is West Valley PHX Defensive Driving School\*4U2.

The Division has received the necessary documentation and recommends the Board approve the requested name change from West Valley PHX Defensive Driving School to West Valley PHX Defensive Driving School\*4U2.

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday October 17, 2019**

### **5) ADMINISTRATIVE ISSUES**

*5-A: Review and discussion regarding correspondence from law firm, Fennemore Craig.*

Staff will present information at the meeting.

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday October 17, 2019**

### **5) ADMINISTRATIVE ISSUES**

*5-B: Review, discussion, and possible action regarding the establishment of the 2020 Board meeting schedule.*

The Defensive Driving Board is asked to consider and approve the 2020 meeting calendar.

Therefore, it is recommended the 2020 meeting calendar be set as follows:

February 27, 2020

April 16, 2020

June 18, 2020

August 20, 2020

October 15, 2020

December 10, 2020

All meetings to begin at 10:00 a.m.